



Questions and Answers: 12-month Finding for Sonoran Desert Population of Bald Eagle as a Distinct Population Segment

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Q: What action is the U.S. Fish and Wildlife Service (Service) taking?

A: The Service has completed an analysis of the bald eagle population in the Sonoran Desert area to determine whether the population is a listable entity under the Endangered Species Act (ESA) that may warrant protection. It published a finding in the Federal Register that this population is not a listable entity under the ESA.

Q: What laws currently protect the bald eagle?

A: Bald eagles in the United States – including bald eagles in the Sonoran Desert area – are currently protected by two federal laws – the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (Eagle Act). Both the Eagle Act and the Migratory Bird Treaty Act protect bald eagles by prohibiting killing, selling or otherwise harming eagles, their nests or eggs.

Q: What is the current status (under the ESA) of the bald eagle in the Sonoran Desert area?

A: Bald eagles in the Sonoran Desert area of Arizona have been protected by the Endangered Species Act as the result of a U.S. District Court order on March 6, 2008, pending a court-ordered completion of a full evaluation and finding as to whether the population constitutes a DPS. Upon publication of this finding, the Service will notify the court of its decision. We intend to publish a separate notice to remove this population from the List of Threatened and Endangered Wildlife. However, we will only do so once the U.S. District Court for the District of Arizona has confirmed that its injunction, which required us to add this population to the List of Threatened and Endangered Wildlife, has been dissolved. Until that time, the Sonoran Desert Area population will remain protected by the Act.

Q: What was the Service petitioned to do?

A: In October 2004, the Center for Biological Diversity, Maricopa Audubon Society and Arizona Audubon Council petitioned the Service to designate the Southwest population of bald eagles as a distinct population segment (DPS), reclassify the population from its then threatened status to endangered and designate critical habitat. These same groups later clarified the geographical extent of the petition to include the bald eagle breeding areas along riparian areas in the Sonoran Desert. The Service has defined this specific population as the “Sonoran Desert area bald eagle.” Under the ESA, the Service is required to solicit and review the best available scientific and commercial information in order to determine whether the Sonoran Desert area population of the bald eagle is a listable entity and, if so, whether that population warrants protection.

Q: How is an animal population determined to be a listable, distinct population segment under the Endangered Species Act?

A: For a population to be recognized as a DPS under the ESA, the Service must complete a two-step process: first, determine that a vertebrate population is discrete; and second, if it passes this test, then determine if the population is significant to the species as a whole.

Q: What is the Service’s DPS finding for the Sonoran Desert area population of the bald eagle?

A: The Service’s evaluation of the best available information on the bald eagle in the Sonoran Desert area found that the population is discrete – it is markedly separate from other populations of the species due to a lack of immigration to and emigration from surrounding bald eagle populations, and the fact that the areas immediately surrounding the Sonoran Desert Area lack the appropriate bald eagle habitat parameters of water, fish, and nesting areas and contain no known breeding bald eagles. However, although eagles persist in an arid region, Sonoran Desert area bald eagles do not appear to express any adaptations that are not found in bald eagles elsewhere, and were not found to have any biologically distinguishing factors important to the species as a whole. Therefore the population does not meet the significance criteria of the agency’s DPS policy.

Q: What information did the Service rely upon to make its determination?

A: The determination was made after reviewing the entire scientific record pertaining to the bald eagle in the Sonoran Desert area and applicable Native American information. Ultimately, the finding hinged upon the Service’s 1996, peer-reviewed Distinct Vertebrate Population Policy.

Q: Did the Service evaluate the threats and status of the Sonoran Desert area population of the bald eagle?

A: Because the Service found that the Sonoran Desert area population is not a listable entity under the ESA, an analysis of the threats facing the bald eagles in this population was not conducted. But the DPS evaluation notes that more recent survey and monitoring efforts have markedly increased information on bald eagle distribution in Arizona. The number of known breeding areas in Arizona in 1971 was 3; whereas the number known in 2009 is 59. The number of bald eagle pairs occupying these sites increased from 3 in 1971 to 48 in 2009.

Q: What eagles were considered in the Service's 12-month finding on the bald eagle in the Sonoran Desert area?

A: Information received and evaluated during the DPS analysis resulted in a refined geographical area for the population considered in the evaluation. The assessment of bald eagles in the Sonoran Desert Area includes all bald eagle territories within Arizona, the Copper Basin breeding area in California near the Colorado River, and the territories of interior Sonora, Mexico that occur within the Sonoran Desert vegetation community or adjacent, transitional communities.

Q: How many Sonoran Desert area-bred bald eagles are there and how are they different from northern-breeding bald eagles?

A: In 2009 there were 59 bald eagle breeding areas in Arizona, and an estimated 204 Sonoran Bald eagles in the state. There are an additional four bald eagle nest sites in Mexico. In the Sonoran Desert, bald eagles breed and forage in close proximity to a variety of aquatic habitats, including reservoirs, regulated river systems, and free-flowing rivers and creeks. Nests are placed mostly on cliff edges, rock pinnacles, and in cottonwood trees. Breeding pairs in the Sonoran Desert establish breeding territories in December or January and lay eggs in January or February, which is early compared with bald eagles from northerly areas. Numerous northern-nesting bald eagles winter in the Sonoran Desert.

Q: What is the status of the bald eagle nationwide?

In 2006, there were approximately 7,066 breeding pairs of bald eagles in the conterminous 48 states, up from an estimated 417 in 1963. Nationally, the bald eagle was delisted in 2007. As required by the Act we have been conducting post-delisting monitoring in the lower 48 States and expect to have updated population estimates for the lower 48 States in the near future. The species continues to be protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act.

Q: Was Native American information considered as part of the 12-month finding?

A: Since March 2008, the Service solicited and reviewed existing and new information regarding the bald eagle population. The Service conducted numerous meetings with Native American tribes, entered into consultation with affected tribes, and evaluated extensive tribal records pertaining to eagles to ascertain the traditional ecological knowledge provided by area Native Americans. Tribes shared long-held information – including tribal place names, orally conveyed information and artifacts – that provided the Service with a better understanding of the duration of bald eagle occurrence in the region and historical location of previously unknown eagle territories. Traditional ecological knowledge was included in the Service’s DPS consideration. Our determination that the Sonoran bald eagle doesn’t meet our biological and policy definition of ‘significance’ does not diminish our understanding of – and respect for - the reverence held for the bald eagle by our Tribal neighbors.